

REMARKS

This is a complete response to the outstanding Office Action mailed March 4, 2009. Applicant respectfully requests reconsideration. Claims 1-15 were previously pending in this application. By this amendment, Applicant is canceling claims 13-15 without prejudice or disclaimer. Claims 1-2 and 5-12 have been amended. As a result, claims 1-12 are pending for examination with claims 1 and 6 being independent claims. No new matter has been added.

SUBSTITUTE SPECIFICATION

A Substitute Specification is concurrently submitted herewith. Applicant has modified the title of the Application to be more descriptive. Applicant has changed the title from "COMMUNICATIONS NETWORK" to "APPARATUS AND METHOD FOR SENDING DATA OVER A COMMUNICATIONS NETWORK". Additionally, Applicant has inserted sections into the body of the specification as requested by the Examiner. No new matter has been added.

Applicant submits that the Specification objections have been rectified and respectfully requests that the Specification objection be withdrawn.

REPLACEMENT DRAWINGS

The Examiner objected under 37 CFR 1.83(a) to the drawings because they failed to show a descriptive textual label for each numbered element as described in the specification. Applicant submits herewith two (2) sheets of Replacement Drawings; Figures 1-2 in compliance with 37 CFR 1.121(d) to replace the Figures that were originally filed with the Application. Applicant has indicated all structural details that are essential for a proper understanding of the disclosed invention in the Replacement Drawings. Applicant respectfully requests that the Drawing objections be withdrawn.

102 (b)

The Examiner rejected claims 1-3, 6-10 and 13-15 under 35 USC 102(b) as being anticipated by Datta et al. (US Application No. 2003/0031180, hereinafter "Datta"). Applicant has amended independent claims 1 and 6 and cancelled claims 13-15.

Applicant respectfully submits that Datta fails to disclose, teach, or suggest all of the elements of amended claims 1-3 and 6-10 for at least the reasons that follow.

Amended claim 1 claims a method of sending data over a communications network comprising the steps of an originating terminal generating a request for a content server, the originating terminal dividing the request into a plurality of packets, the originating terminal distributing the plurality of packets between a first plurality of terminals in the local area network, each of said first plurality of terminals (110a, 110b, 110c, 110d) having a respective wide area connection to the Internet, the plurality of packets being distributed over the local area network, each of said first plurality of transmitting packets received during step (c) over said associated wide area connection to a reconstitution server located on the Internet and the reconstitution server receiving the plurality of packets and sending the plurality of packets to the content server.

The present claimed invention allows for each plurality of terminals that are interconnected by a local area network to communicate efficiently with the Internet. At least some of the claimed first plurality of terminals have a connection to the Internet and the present invention allows a terminal to share the bandwidth of the connections of the other terminals. This provides for an increased bandwidth when compared with a terminal having access to only a single connection or when the

terminal has no access to a connection. Datta provides for a controller for increasing bandwidth between a local area network and other networks using multiple routers on the given local area network. Datta does not disclose, teach or suggest a plurality of terminals in the local area network, where each of the plurality of terminals has a respective wide area connection to the Internet.

In Applicant's claimed invention, the originating terminal may in fact be one of the first plurality of terminals. In Datta, a controller is required to divide the request into a plurality of packets and to distribute them to routers (310, 312 and 314), which is entirely different from the method in Applicant's claimed invention. Although Datta discloses that the controller 308 can be implemented as software on a node, there is no disclosure of each of the plurality of terminals being able to connect to the Internet or that each terminal has the ability to divide a request into a plurality of packets and distribute them over the local area network. Furthermore, there is no disclosure in Datta of distributing the packets over the local area network, rather in Datta the packets are distributed via separate connections (210) rather than via the local area network (106) because in Datta the plurality of routers are

separate from the plurality of nodes. One of the advantages of Applicant's claimed invention is that there is no need for a centralized controller, which could lead to a catastrophic failure to the entire system. Rather, Applicant's claimed invention includes routing that is distributed and non-centralized. Therefore, Applicant's claimed invention presents distinct novel and nonobvious advantages over the prior art.

In order for Datta to anticipate Applicant's claims, Datta would have to teach each and every element of the claim, either expressly or inherently described. Applicant submits that Datta fails to teach each and every element of amended independent claims 1 and 6 of Applicant's invention. As such, Applicant respectfully requests reconsideration and withdrawal of the claim 102 rejection.

The Applicant also respectfully submits that since claims 2-3 depend on independent claim 1 and claims 7-10 depend on independent claim 6, claims 2-3 contain all limitations of independent claim 1 and claims 7-10 contain all limitations of independent claim 6. Since independent claims 1 and 6 should be allowable, as argued herein, pending dependent claims 2-3 and 7-10 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

35 USC §103

The Examiner has rejected claims 4 and 5 under 35 USC 103(a) as being unpatentable over Datta in view of Gray et al. (US Patent No. 6,178,448, hereinafter "Gray"). Additionally, the Examiner has rejected claim 11 under 35 USC 103(a) as being unpatentable over Datta in view of Barron et al. (US Publication No. 2002/0152414, hereinafter "Barron"). Applicant respectfully traverses both of these 103 rejections as dependant claims 4, 5 and 11 depend from amended independent claims 1 and 6, which are nonobvious and allowable as previously discussed. Applicant asserts that the disclosures of Gray and Barron do not cure the deficiencies of Datta. As such, Applicant respectfully requests withdrawal of the 103 rejections.

REMARKS

Accordingly, Applicant believes that all of the pending claims are now in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 02-3285, under Docket Number DUMMETT-043XX.

Respectfully submitted,

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